

RECORD OF PROCEEDINGS

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Mayor, Thomas P. Hanafan, on Monday, December 14, 2009 at 7:00 p.m.
ATTENDANCE	Council Members present: Scott Belt, Matt Schultz and Matt Walsh. Council Members Absent: Darren Bates, Lynne Branigan. Staff present: Richard Wade, City Attorney and Marcia Worden, City Clerk.
CONSENT AGENDA	Belt and Schultz moved and seconded the approval of the consent agenda. Unanimous.
PUBLIC HEARINGS Resolution 09-337	Held Public Hearing, initiating condemnation proceedings to acquire property generally described as part of Lot 1, 2 and 3 in the SW1/4 NE1/4, part of Lot 1 in the SE1/4 NW1/4 and part of Lots 2 and 5 in the NW1/4 NE1/4, all in section 32, Township 75, Range 43, lying north west of Mosquito Creek. Walsh and Belt moved and seconded approval. Heard from Robert Byers, of Henderson, Iowa, regarding the acquisition. City Attorney Wade indicated an appraisal was done on the property. Unanimous.
Resolution 09-361	Held Public Hearing, vacating and disposing of Avenue F right-of-way lying between North 7 th and Curtis Streets along with the east/west alley in Block 3, Mill Addition. Belt and Schultz moved and seconded approval, noting the vacation was with non-monetary consideration. Unanimous.
Resolution 09-362	Held Public Hearing, approving the Plans, Specification, Form of Contract and Cost Estimate for the Wastewater Disinfection Project. Belt and Walsh moved and seconded approval. Unanimous.
Resolution 09-363	Held Public Hearing, approving the Plans, Specification, Form of Contract and Cost Estimate for the Wastewater Treatment Plant Digester Complex Upgrade. Belt and Walsh moved and seconded approval. Unanimous.
Resolution 09-364	Held Public Hearing, approving the Plans, Specification and Form of Contract for the America Rides the Rails Project and authorizing the City Clerk to advertise for bids setting the bid date for January 15, 2010. Walsh and Belt moved and seconded approval. Unanimous.
Resolution 09-365	Held Public Hearing, approving the Plans, Specification and Form of Contract and Cost Estimate for the Fire Station Bridge Crossing Indian Creek. Belt and Schultz moved and seconded approval. Unanimous.
Resolution 09-367	Held Public Hearing, granting final plat approval for Swami Akshar Subdivision. Belt and Schultz moved and seconded approval. Heard from Michael Brennehan, P. O. Box 6211, Omaha, Nebraska regarding signage. Unanimous.
RESOLUTIONS Resolution 09-366	Walsh and Schultz moved and seconded, waiving City Council Rules and allow newly elected and reelected officials to take their Oath of Office on December 21, 2009, as opposed to waiting until 2010. This action will not effect the term of any currently sitting or newly elected Council Member. Unanimous.
Resolution 09-368	Belt and Schultz moved and seconded, authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement from The Filling Station, Inc., 1531 2 nd Avenue, for a second violation of Iowa Code Section 453A.2(1). Unanimous.
Resolution 09-369	Belt and Walsh moved and seconded, accepting the work of R.D. Blue Construction, Inc. in connection with the Avenue G Viaduct/Corridor, Project 5 and authorizing the Finance Director to issue a City check in the amount of \$52,649.39. Unanimous.

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- Resolution 09-370 Belt and Walsh moved and seconded, accepting the work of MFT Construction, Inc., in connection with the South 16th Street Sanitary Sewer Pipe Rehab. and authorizing the Finance Director to issue a City check in the amount of \$25,638.73. Unanimous.
- Resolution 09-371 Belt and Schultz moved and seconded, accepting the work of R.D. Blue Construction Inc., in connection with the South 32nd Street Sanitary Sewer Improvements and authorizing the Finance Director to issue a City check in the amount of \$20,054.13. Unanimous.
- Resolution 09-372 Walsh and Schultz moved and seconded, approving the Second Amendment to the Offer to Buy real estate for City owned property located at the northwesterly corner of Bennett and (relocated) Franklin Avenues, Lot 1, Franklin Heights Subdivision. Motion by Belt, second by Walsh, amending the contingency dates as follows: from December 15, 2010 to the closing date of June 30, 2010. Unanimous. Vote on original motion as amended. Unanimous.
- Resolution 09-373 Belt and Schultz moved and seconded, authorizing the Mayor to execute a \$475,000 Special Purpose Economic Development Initiative (EDI) Grant Agreement with the U.S. Department of Housing and Urban Development for the Playland Park Neighborhood Redevelopment Project. Unanimous.
- Resolution 09-374 Belt and Walsh moved and seconded, authorizing a staffing change in the Finance Department. Unanimous.
- Resolution 09-375 Belt and Schultz moved and seconded, authorizing the Mayor and City Clerk to execute an agreement with MFT Construction, Inc. for the East Manawa Storm Sewer, Phase II Project. Unanimous.
- Resolution 09-376 Belt and Schultz moved and seconded, authorizing the Mayor and City Clerk to execute an agreement with Eriksen Construction for the Wastewater Treatment Plant Recirculation Pump Station/Motor Control Center Replacement and Controls Upgrade Project. Unanimous.
- Resolution 09-377 Belt and Walsh moved and seconded, accepting the work of Eyman Plumbing, Inc. in connection with the East 29th Avenue Sewer Extension and authorizing the Finance Director to issue a City check in the amount of \$4,677.01. Unanimous.
- MAYOR'S APPOINTMENTS** Belt and Walsh moved and seconded, concurring with the Mayor's recommendation regarding Items 6A – 6C. 6A. Appointing Greg Halverson to the Enterprise Zone Commission; 6B. Appointing Misty Wyant to the Municipal Housing Agency and 6C. Appointing Gilda Bettis to the Civil Rights Commission. Unanimous.
- RECEIVE & FILE ITEMS** Walsh and Belt moved and seconded the approval of Receive and File Items 7A -7C. 7A. Four (4) Notices of Claim; 7B. One (1) Offer to Buy – E. A. Atherton III and 7C. One (1) Offer to Buy – Fred Rose. Unanimous.
- APPLICATIONS FOR PERMITS & CANCELLATIONS** Belt and Walsh moved and seconded the approval of Beer/Wine & Liquor Permit Applications regarding Items 8A (1, 2, 4): 1. Applebee's Neighborhood Grill & Bar; 2. Boxer L.L.C., 722 Creek Top; 4. Hy-Vee #2, 1745 Madison Avenue. Unanimous.
- Walsh and Belt moved and seconded the postponement of the Liquor Permit Application regarding Item 8A (3) for Goofy's, 807 South 21st Street, until January 11, 2010 at 7:00 p.m. Unanimous.
- Belt and Walsh moved and seconded approval of New Beer & Liquor Permit Applications regarding Items 8B (1-3): 1. Darrah's, 3607 9th Avenue; 2. Johnnie's Cantina, 1851 Madison Avenue; 3. Kitchen Emporium & Wine Shop, 805 South Main Street (contingent upon Department approval). Unanimous.

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Council Member Schultz wished everyone a Merry Christmas.

Council Member Belt thanked City staff and employees for their hard work during the recent storm and wished everyone Happy Holidays, Merry Christmas and a safe New Year.

Mayor Hanafan indicated Public Works employees worked 48 hours straight with the storm, the worst event since 1975. Hanafan wished everyone a Merry Christmas and encouraged families to enjoy the downtown area and attend the First Night Celebration, a tribute to the arts and culture.

ADJOURNMENT

Belt and Schultz moved and seconded adjournment at 7:28 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

ATTEST:

Thomas P. Hanafan, Mayor

Marcia L. Worden, City Clerk